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at the time. Accordingly, absent any cause for tolling, the limitations period for Plaintiff's claims commenced on August 26, 1999 and expired on August 26, 2001. The Court's records indicate that Plaintiff filed an earlier complaint on the same facts on August 30, 2001, which was dismissed without prejudice by order of the Honorable Duross Fitzpatrick on January 11, 2002. It is clear, therefore, that Plaintiff had actual knowledge of his cause of action on August 30, 2001. Accordingly, even if his statute of limitations had been initially tolled by any concealment or failure to discover his injuries prior to August 30, 2001, and even if the statute had been further tolled during the pendency of his first complaint, Plaintiff's limitations period would have expired on January 11, 2004, two years after the dismissal of the first complaint. The present complaint was filed on September 1, 2004. Under any conceivable set of facts Plaintiff's claims with regard to the alleged August 26, 1999 beating are now barred as untimely.

Wherefore, Defendants' Motion to Dismiss (Doc. 6) is **GRANTED**, and it is hereby ordered that the above-captioned case be **DISMISSED**, with prejudice. All other pending motions are to be dismissed, as moot.

SO ORDERED, this the 1st day of December, 2005.

S/Wilbur D. Owens, Jr.
WILBUR D. OWENS, JUDGE
UNITED STATES DISTRICT COURT